

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**Standing Order Governing Filing and Sealing
of Plea Agreements in Criminal Cases**

This court's official case files are now electronic compilations, readily available to the public via the federal judiciary's Public Access to Court Electronic Records [PACER] system. Although the Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files provides that public access should not be provided to sealed documents, such as motions for downward departure for substantial assistance or plea agreements indicating cooperation with the government, it has come to the court's attention that proposed plea agreements submitted for filing by the United States of America have not always been accompanied by a motion to seal the plea agreement. When that occurs, the document becomes a public document upon its being docketed.

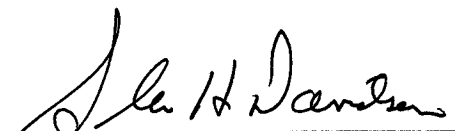
Furthermore, the court is concerned that release of the information that the pleading defendant agrees to cooperate with the United States in its investigations and prosecutions of other criminal defendants unnecessarily endangers not only such investigations, but more imminently the defendant, or the defendant's family, or others in privity with the defendant.

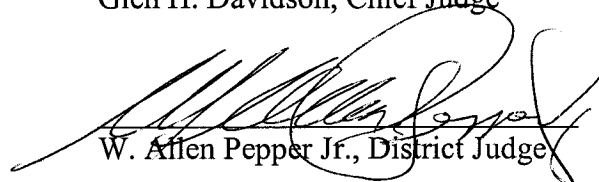
For this reason, the court finds that it is in the best interests of balancing the public's access to court file information and defendants' reasonable expectations not to be retaliated against for entering pleas of guilty, and it is

ORDERED

That, effective immediately, in all criminal cases in which a defendant executes a written plea agreement, the United States of America shall file the plea agreement only under seal, and no such agreement shall be filed except under seal, in accordance with the operating procedures imposed by the office of the clerk of court.

This, the 30th day of September, 2005.


Glen H. Davidson, Chief Judge


W. Allen Pepper Jr., District Judge


Michael P. Mills, District Judge